

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

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U.S. DISTRICT COURT  
SAN JUAN, PR.

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MAXIMO VILLALOBOS, et als.

**Plaintiffs**

CIVIL NO. 97-1589 (JAG)

v.

NORTH CAROLINA GROWERS  
ASSOCIATION, INC., et als.

**Defendants**

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**MEMORANDUM AND ORDER**

Pending before the Court are defendants' objections to Magistrate Judge Justo Arenas' Report and Recommendation. (Docket No. 182.) The Magistrate Judge recommends that defendants' motion to dismiss and for sanctions pursuant to federal rule of civil procedure 37 and 41(b) be **GRANTED in PART and DENIED in PART** (Docket Nos. 113-1, 113-2). All parties previously have been furnished copies of the Report and Recommendation and have been afforded an opportunity to file objections pursuant to Section 636(b)(1), Title 28, United States Code.

The Court shall, therefore, make a de novo review of the Report and Recommendation. Upon consideration, of the Magistrate Judge's Report and Recommendation, all objections thereto filed by the parties and upon the Court's independent examination of the

record, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation and incorporates it by reference in this Order. Defendants' motion to dismiss and for sanctions pursuant to federal rule of civil procedure 37 and 41(b) is **GRANTED in PART and DENIED in PART**(Docket Nos. 113-1, 113-2). Accordingly, co-plaintiffs Flor Lugo Torres' and Wilson Morales' claims are hereby dismissed with prejudice. Partial Judgment shall be entered accordingly.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 9th day of September 2002.

  
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JAY A. GARCIA-GREGORY  
U.S. District Judge